THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.26554 of 1996

Dated: 12th July, 2006

Between:

M.Shankar, S/o.M.Dasuru, 28 years,
R/o. C/o.Raja, H.No.2 MIG, APHB Colony,
Kothagudem, Khammam District

... Petitioner

and

1. The Vice Chairman and Housing Commissioner,
A.P.H.B., M.J. Road, Hyderabad
and three others

... Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.26554 of 1996

Oral Order:

Heard.

2. The relief sought in this Writ Petition is a direction in the nature of Writ of Mandamus declaring the action of the second respondent in negativing the request of the petitioner for compassionate appointment in his Memo No.5607/M1/CE/96-95/667, dated 22-02-1995, communicated through the 3rd and 4th respondents Endts. No.375/A2/B/EE(H)/WR/95, dated 13-03-1995, as arbitrary and illegal; and further a direction to the respondents to appoint him in any suitable post on compassionate grounds.

3. The grievance of the petitioner is that he was denied the right of compassionate appointment.

4. Compassionate appointment as such is not a matter of

right. Only consideration for the appointment is a right. It appears that the case of the petitioner was considered and negatived by the respondents, in which event, this Court cannot direct the respondents to consider afresh or give appointment orders to the petitioner, that too, on compassionate ground.

5. Further more, the petitioner was aged about 28 years as on the date of filing of the writ petition, now at this length of time, he is aged 38 years; and at this age, he cannot be considered for appointment even on compassionate ground since he crossed the prescribed age. However, the petitioner is at liberty to make a fresh application and upon such application it is open for the respondents to reconsider the said application in accordance with law.

6. In the result, this Writ Petition is dismissed. It is needless to state that the interim applications pending, if any, shall stand closed. No costs.

_____

D.S.R.VARMA, J

12th July, 2006.

Ak